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PATENT  
Attorney Docket No.: 40130-050100

Non-Fee Preliminary Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



On October 1, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: Sara B. McPeak

Sara B. McPeak

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Scott Seamans

Application No.: 10/603,126

Filed: June 23, 2003

For: BREATHABLE WORKSHOES  
AND METHODS FOR  
MANUFACTURING SUCH

Examiner: Unassigned

Art Unit: 3728

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98

Non-Fee Preliminary Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached forms PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Douglas M. Hamilton  
Reg. No. 47,629

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60050879 v1



Substitute for form 1449A/PT

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

1

of

2

**Complete if Known**

Application Number	10/603,126
Filing Date	June 23, 2003
First Named Inventor	Seamans, Scott
Art Unit	3728
Examiner Name	Unassigned
Attorney Docket Number	40130-050100

**U.S. PATENT DOCUMENTS+**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	AA	US-				
	AB	US-				
	AC	US-				
	AD	US-				
	AE	US-				
	AF	US-				
	AG	US-				
	AH	US-				
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	AJ	US-				
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**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	AM	EP	0802039	A2	10-22-1997	Bruno Bisconti		<input type="checkbox"/>
	AN	EP	0802040	A2	10-22-1997	Bruno Bisconti		<input type="checkbox"/>
	AO	EP	0802041	A2	10-22-1997	Bruno Bisconti		<input type="checkbox"/>
	AP	EP	0884005	A1	12-16-1998	Euro Vecchiola		<input type="checkbox"/>
	AQ							<input type="checkbox"/>
	AR							<input type="checkbox"/>
	BA							<input type="checkbox"/>
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SignatureDate  
Considered

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60050879 v1



<b>Substitute for form 1449B/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		<b>Complete if Known</b>			
		Application Number	10/603,126		
		Filing Date	June 23, 2003		
		First Named Inventor	Seamans, Scott		
		Art Unit			
		Examiner Name			
Sheet	2	of	2	Attorney Docket Number	040130-050100US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	BC ✓	Rhoda Miel, <i>Snowshoe walks away with best design</i> , <u>Plastics News</u> , April 22, 2002, v14, n8, p4 (2 pages).	
	BD ✓	Luisa Zargani, <i>ONE FINE YEAR; ANTON MAGNANI'S QUIRKY DRY-SHOD DESIGNS HAVE GAINED THE ITALIAN DESIGNER RESPECT, RECOGNITION AND A DEAL WITH COMME DES GARCONS</i> , <u>Footwear News</u> , August 2, 1999, p. 102 (2 pages).	
	BE ✓	Finproject Brews an Extralight (Evasol Plastics and Finproject signed a joint venture agreement to introduce a range of new block and net-fit soles for shoes), <u>FN World</u> , August 4, 1997, v. 53, n.31, p. 8 (1 page).	
	BF ✓	Cindy Macdonald, <i>The entrepreneurs: they're bilingual, multicultural and talented. Distance and language present no barriers to Quebec plastics processors and moldmakers as the province's plastics industry continues to increase its level of exports and welcome new companies</i> , <u>Canadian Plastics</u> , O'99, v. 57(10), pg. 35-50 (9 pages).	
	BG ✓	THE ELASTOMERS TIMES: ENGAGE ADDS COMFORT TO SPORTING COMPONENTS, <u>Chemical Business NewsBase: The Elastomers Times</u> , Friday, December 1, 2000, (1 page).	
	BH ✓	COMFORTABLE WALKING, <u>Italian Technology</u> , Oct., 1999, No. 3, p. 168, (abstract, 1 page).	
	BI ✓	INJECTED EVA, <u>Macplas International</u> , Aug., 1999, No. 10, p. 90, (abstract, 1 page).	
	BJ ✓	WALKING ON MODIFIED EVA, <u>Italian Technology</u> , May 1999, No. 2, p. 121, (abstract, 1 page).	
	BK ✓	Trade Name Record, <u>Official Gazette of the US Patents and Trademarks Office</u> , 24th March 1998, 1208, No. 4, p. 73, (abstract, 1 page).	
	BL ✓	Engage® polyolefin elastomers, the critical ingredient for success, DuPont Dow elastomers, Copyright @ 2000 DuPont Dow Elastomers, <a href="http://www.dupont-dow.com/engage">www.dupont-dow.com/engage</a> (12 pages).	
		waldenstore.com, <u>Footwear. Waldies</u> , 8/4/2003, <a href="http://www.waldenstore.com/waldies.html">http://www.waldenstore.com/waldies.html</a> , (1 page).	
	BM ✓	Birkenstock®, <i>Spring &amp; Summer 2003 Catalog</i> , Birkenstock Orthopudie GmbH, Germany.	

Examiner Signature		Date Considered	
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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.